

REMARKS

1. Amendments to the Claims

Claims 1-11, 14-18, 27, and 46-50 are pending. No amendments to the claims are included. Thus, no new matter has been added.

2. Amendments to the Specification

Applicants herein amend Table 1 of the Specification so that it is consistent with Table 3 of the Specification, (page 41, line 11) and the Sequence Listing, (SEQ ID NO: 7). Because Table 3 and the Sequence Listing were part of the original Specification, Applicants submit that no new matter has been added, and that one of skill in the art would have recognized the inadvertent error.

3. Indefiniteness

The Examiner rejects claims 1, 4-11, 14-18, 27, and 46-50 under 35 U.S.C. § 112 as being indefinite. The Examiner notes that Table 3 of the Specification and the Sequence Listing (SEQ ID NO: 7) indicate that Rv1036c has 112 amino acids, but only has 100 amino acids in Table 1. Applicants submit that Table 3 and the Sequence Listing are correct, and have amended Table 1 accordingly. Applicants submit that this amendment clarifies the claims such that one of skill in the art would recognize what was included within the scope of claim 1. Accordingly, Applicants request that the rejection be withdrawn.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson Reg. No. 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

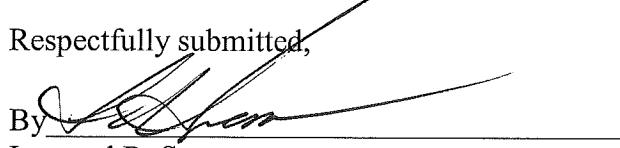
Application No. 10/723,908
Amendment dated March 31, 2010
Reply to Office Action of December 31, 2009

Docket No.: 0459-0752P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 31, 2010

Respectfully submitted,

By 

Leonard R. Svensson
Registration No.: 30,330
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant